

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

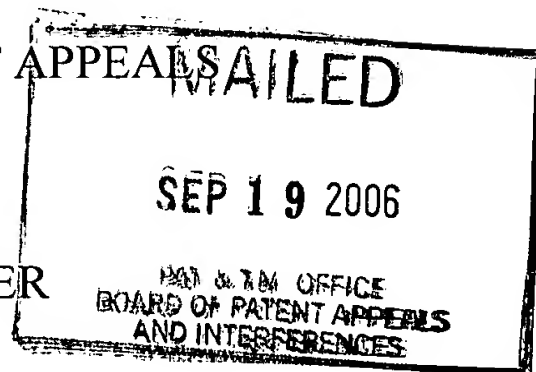
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Ex parte DANIEL PELLETIER

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Application No. 09/759,486

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on August 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed on October 25, 2004. A review of the Image File Wrapper reveals that the examiner has not considered the IDS. According to MPEP § 609 which states:

“ . . . . The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.”

On May 18, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 3, paragraph 8, the examiner has stated, “No evidence is relied upon by the examiner in the rejection of the claims under appeal.” A review of the file reveals that references to Chim (U.S. Patent No. 6,275,258), and Steinberg et al (U.S. Patent No. 6,750,902) were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) 1207.02. Appropriate correction is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for:

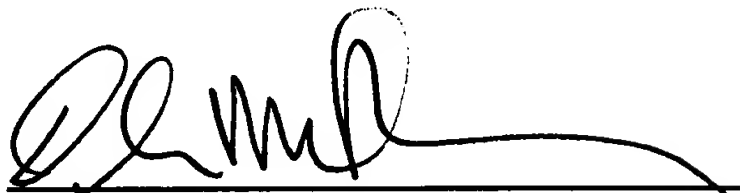
- 1) consideration of the IDS;
- 2) issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and

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3) for such further action may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'D. M. Shaw', written over a horizontal line.

DALE M. SHAW

Deputy Chief Appeal Administrator  
(571) 272-9797

DMS/dal

Application No. 09/759,486

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